

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LHF PRODUCTIONS, INC.,
 Plaintiff(s),

v.

JOHN KOEHLI, et al.,
 Defendant(s).

Case No. 2:16-cv-02028-JAD-NJK

ORDER

(Docket No. 112)

Pending before the Court is Counter-Claimant Brian Kabala's motion to compel. Docket No. 112. Counter-Defendant LHF Productions filed a response in opposition, and Counter-Claimant filed a reply. Docket No. 127, 130.¹ The Court finds the motion properly resolved without a hearing. *See* Local Rule 78-1. The motion is hereby **DENIED** without prejudice.

A party moving for relief bears a basic burden of presenting clearly articulated argument supported by legal and factual citation as to the disputes at issue. *See, e.g., Silvagni v. Wal-Mart Stores, Inc.*, 320 F.R.D. 237, 244 (D. Nev. 2017). Courts need only resolve arguments that are meaningfully developed. *See, e.g., Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 582 n.3 (D. Nev. 2013). In the context of a discovery dispute in particular, it is plainly insufficient for a movant to simply identify the discovery responses in dispute without elaborating *specifically for each response* why the response is

¹ While the parties refer to themselves as "Plaintiff" and "Defendant," the Court refers to Mr. Kabala as "Counter-Claimant" and LHF as "Counter-Defendant" since LHF's claims against Mr. Kabala have been dismissed. Docket No. 72.

insufficient. *See, e.g., Anoruo v. Valley Health Sys., LLC*, 2018 U.S. Dist. Lexis 31101, at *2 n.1 (D. Nev. Feb. 27, 2018). Failure to provide such argument in the motion is not cured by its inclusion in later briefing. *See, e.g., Bazuaye v. I.N.S.*, 78 F.3d 118, 120 (9th Cir. 1996) (*per curiam*) (courts do not consider arguments raised for the first time in reply).

In this case, Counter-Claimant challenges the sufficiency of 12 of Counter-Defendant's discovery responses. *See* Docket No. 112 at 6-11. The argument presented in support of the challenge to the 12 different responses is—in its entirety—a single paragraph making the undifferentiated argument that Counter-Claimant is entitled to discover the evidence Counter-Defendant possesses regarding his alleged infringement. *See id.* at 13-14. This is woefully insufficient for the Court to be able to determine whether the 12 discovery responses in dispute were appropriate and, if not, whether additional responses should be compelled.²

Accordingly, the motion to compel is **DENIED** without prejudice. To the extent a renewed motion is filed, it must present in a structured manner specific argument for each disputed response identifying the particular reasons why Counter-Claimant contends each response is deficient.³ As the parties should be well aware of each other's positions at this point, *see, e.g., Nevada Power v. Monsanto*, 151 F.R.D. 118, 120 (D. Nev. 1993) (a proper meet-and-confer requires counsel to “present to each other the merits of their respective positions with the same candor, specificity, and support during the informal negotiations as during the briefing of discovery motions”), any renewed motion to compel shall be briefed on an expedited schedule: the response shall be filed within 4 days of the electronic filing of the

² Counter-Claimant also filed a 242-page appendix. The Court declines to sift through that record in an attempt to piece together Counter-Claimant's arguments. *Cf. Silvagni*, 320 F.R.D. at 244.

³ Any renewed motion should include only discovery responses for which a live dispute exists. For example, with respect to four interrogatory responses, Counter-Claimant's reply indicates that “if Attorney Rainey and his client wish to stand by their original answers, so be it.” Docket No. 130 at 9. If that is Counter-Claimant's position, it is not clear why these interrogatory responses were included in the motion. For still other responses, it appears any dispute may have been mooted after the motion was filed by Counter-Defendant's supplementation. *See* Docket No. 130 at 11.

1 motion and any reply shall be filed within 2 days of the electronic filing of the response.⁴ **The Court**
2 **reminds the parties that the CM/ECF system may automatically generate deadlines that are**
3 **inconsistent with this order and, in such instances, this order controls.** *See* Local Rule IC 3-1(d).

4 IT IS SO ORDERED.

5 DATED: March 19, 2018.

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7 NANCY J. KOPPE
8 United States Magistrate Judge
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27 _____
28 ⁴ To the extent a deadline set herein falls on a weekend or Court holiday, the filing is due on the next day that is not a Saturday, Sunday, or Court holiday. *See* Fed. R. Civ. P. 6(a)(1)(C).